

REMARKS/ARGUMENTS

Prior to entry of this Amendment, claims 10-38 and 53-64 were pending for examination, with claims 1-9 and 39-52 having been withdrawn pursuant to a restriction/election requirement mailed June 21, 2006. This amendment amends claims 10, 21, 23, 32, 35, 53, and 62, cancels claims 30, 31, 54-57, 60, 61, 63, and 64, and adds new claims 65-72. Hence, after entry of this amendment, claims 10-29, 32-38, 53, 58, 59, 62, and 65-72 will stand pending for examination. Claims 10, 21, 35 and 53 are independent claims. The applicant respectfully requests reconsideration of the pending claims, for at least the reasons presented below.

Interview Summary

The undersigned appreciates the courtesy shown by the Examiner in the telephonic interviews conducted between the undersigned and the Examiner on August 14, 2007 and September 27, 2007. In those interviews, the undersigned and the Examiner discussed differences between the claimed invention and the references cited in the office action. In particular, in the September 27, 2007 interview, the undersigned discussed with the Examiner the amendments to the claims reflected herein, and it is believed that the Examiner agreed that the amended claims likely are patentably distinct from the cited references, although the Examiner stated that further searching and/or consideration might be required.

Claim Amendments

Claims 10, 21, 23, 32, 35-37, and 53 have been amended. Claims 10, 21, 35 and 53 have been amended to recite additional novel features, while claims 23 and 32 have been amended for consistency with claim 21, and claims 36 and 37 have been amended to correct typographical errors. Claim 62 has been amended to depend from claim 21, and for consistency with that claim.

New claims 65-72 have been added to recite additional novel features of certain aspects of the claimed invention.

Informalities

The Office Action has objected to claims 11, 23, and 31 as being of improper dependent form for failing to further limit the subject matter of a previous claim. With respect to claim 11, the applicant respectfully traverses the objection. Claim 11 recites "transporting the fluid container to the user's location while the fluid container has contained therein the industrial fluid," which further limits "providing at the user's location a fluid container having contained therein an industrial fluid comprises," as recited by claim 10. Claim 10 does not recite any transporting element. Reconsideration of the objection is respectfully requested.

The objection to claim 23 is respectfully traversed as well. Claim 21 recites "one or more fluid containers," while claim 23 further specifies that the one or more fluid containers are "a plurality of fluid containers." Hence, claim 21 includes an embodiment in which only one fluid container is present, while claim 23 requires more than one container. Reconsideration of this objection is also respectfully requested.

It is believed that these amendments overcome the objections, and reconsideration of the amended claims is respectfully requested. Claim 31 has been canceled, so it is believed that the objection to claim 31 is moot.

35 U.S.C. § 112 Rejections

The Office Action has rejected claims 18-20, and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the office action asserted that claim 18 is deficient for omitting essential steps, namely the technique by which the method determines how much fluid is remaining. It is respectfully submitted that this objection is not well-founded. The specification describes at least one procedure for making this determination. Merely by way of example, the specification (e.g., ¶ 0097) describes several techniques for determining the amount of fluid remaining in a container, and one skilled in the art would appreciate that other techniques can be used as well. Claim 18 covers any of these techniques, and it is respectfully submitted that there is no authority requiring the applicant to recite a

particular technique in the claims. Reconsideration of the rejection of claim 18 (and the corresponding rejections of claims 19-20) is respectfully requested.

Claim 23 was rejected on the grounds that "it is not possible for a fluid container to be a plurality of fluid containers." As discussed in the telephonic interview, claim 21 has been amended to recite "one or more fluid containers," and it is believed that this amendment overcomes the rejection of claim 23.

35 U.S.C. § 102 Rejection: Titus

The Office Action has rejected claims 53-57 under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,636,653 to John S. Titus (hereinafter "Titus"). As discussed in the interview, however, Titus does not teach each element of even claim 53, and claim 53 has been amended to highlight the differences between that claim and Titus (and, for that matter, between claim 53 and the combination of Titus and Air Products). Merely by way of example, claim 53 recites, "at least part of the computer software product is configured to be executed by a control computer located at the location of the user of the fluid." Neither Titus nor Air Products teach such a software product. Moreover, claim 53 further recites that the software comprises instructions to "receive, via wireless communication from a fluid distribution station located at a location of the user of the fluid, information about fluid being dispensed from a fluid container coupled with the fluid distribution station." Neither Titus nor Air Products disclose such wireless communication. Similarly, while claim 53 further recites instructions to "transmit at least some of the information about the dispensed fluid, via a web server, to a client computer operated by the supplier of the fluid," neither Titus nor Air Products teach such web communications.

Accordingly, claim 53 is believed to be allowable over Titus, either alone or in combination with Air Products, and it is respectfully submitted that the rejection of claim 53 under § 102 should be withdrawn.

35 U.S.C. §103 Rejections

The Office Action rejected claims 10-14, 16-21, 23-26, 30-35, and 60-64 under 35 U.S.C. § 103(a) as being unpatentable over Air Products (<http://web.archive.org/web/20040201235722/www.airproducts.com/index.asp>) (hereinafter "Air Products") in view of Titus. It is respectfully submitted that the combination of Titus and Air Products fails to teach or suggest each element of even independent claims 10, 21 and 35, at least as amended.

For example, claim 10 recites, "the fluid container has contained therein a volume of an industrial fluid" and that "the fluid container at the user's location is isolated from a bulk supply of the fluid." These elements are distinct from Titus, which comprises a pipe system with a virtually unlimited supply of gas, which is not isolated from a bulk supply. Nothing in the portion of the Air Products reference supplied with the office action provides any teaching of these elements, either. Moreover, claim 10 recites, "allowing the user to dispense, with a hand-operated dispensing device, an amount of industrial fluid from the fluid container." Neither Titus nor Air Products appears to disclose this capability.

Further, claim 10 recites, "transmitting, to a control computer at the user's location, data about the fluid dispensed from the fluid container," and "wherein accounting for the industrial fluid dispensed from the fluid container comprises transmitting, from a web server to a web browser on a client computer operated by the fluid supplier, at least some of the data about the industrial fluid about the industrial fluid dispensed from the fluid container." Neither Titus nor Air Products teaches transmission data to a control computer located at the user's location or transmitting data from a web server to a web browser that is on a client operated by the fluid supplier.

For at least these reasons, claim 10 is believed to be allowable over the combination of Titus and Air Products.

Similarly, claim 21 is believed to be allowable over this combination as well. Claim 21 recites, inter alia, "providing, at a user's location, a control computer configured to receive data about dispensed fluids." While Titus arguably might disclose a control computer (a

position the applicant does not concede), Titus clearly teaches that this control computer is located at a supplier's location, not at the fluid user's location. Air Products does not appear to teach a control computer at all.

Claim 21 further recites, "the fluid distribution station further comprising a dispensing device that dispenses fluid from the fluid container" and "allowing a user to dispense an amount of fluid from the one or more fluid containers, using the dispensing device. Neither Titus nor Air Products appear to teach such a dispensing device.

In addition, claim 21 recites, "transmitting, from the fluid distribution station and to the control computer, data about the dispensed fluid," "receiving, at the control computer, the data about the dispensed fluid," and "communicating, to the fluid supplier, via a web server, at least some of the data about the dispensed fluid. Neither Air Products nor Titus appear to teach the use of a web server to communicate data about a dispensed fluid to a fluid supplier.

For at least these reasons, claim 21 is believed to be allowable over the combination of Titus and Air Products.

For its part, claim 35 recites, "a hand operated dispensing device." As noted above, this feature is not found in either Titus or Air Products. Claim 35 also recites that the fluid container "has contained therein a volume of an industrial fluid owned by a fluid supplier," that the fluid container is "located at the user's location," and that the fluid container is "isolated from a bulk supply of the fluid." Neither Titus nor Air Products teach a fluid container with this combination of features.

Claim 35 further recites "providing, at the user's location, a control computer that is remote from the fluid distribution station, the control computer being configured to communicate, via wireless communication, with the fluid distribution station." Claim 35 also recites that "the control computer [is] further configured to communicate, via a web server, with a client computer operated by the fluid supplier." As noted above, neither Air Products nor Titus teaches a control computer at the user's location, let alone a control computer that communicates wirelessly with a fluid distribution station and communicates via a web server with a client computer operated by the fluid supplier. For at least these reasons, claim 35 is believed to be allowable over the combination of Titus and Air Products.

Dependent claims 10-29, 32-38, 53, 59, 62, and 65-72 were rejected over various combinations of Air Products, Titus, U.S. Patent No. 6,382,032 to Hatton (hereinafter "Hatton"), U.S. Patent No. 5,494,191 to Benson (hereinafter "Benson"), and Safeway (http://findarticles.com/p/articles/mi_hb4331/is_200006/ai_n15097473) (hereinafter "Safeway"). As noted above, independent claims 10, 21, 35 and 53 are allowable over the combination of Titus and Air Products. The remaining references fail to address the shortcomings of Titus and Air Products, noted above. Hence claims 10, 21, 35 and 53 are allowable over any combination of Titus, Air Products, Hatton, Safeway, and Benson.

Claims 10-29, 32-38, 53, 59, 62, and 65-72 each ultimately depend from one of claims 10, 21, 35, or 53. Accordingly, these dependent claims are believed to be allowable at least by virtue of their dependence from allowable base claims.

CONCLUSION

In view of the foregoing, the Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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